UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1145
19 April 1993

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

AMERICAN SAMOA

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 8	3
	A. Introduction	1 - 4	3
	B. Population	5 - 8	3
II.	CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	9 - 27	4
	A. General	9 - 12	4
	B. Government	13 - 21	5
	C. Future status of the Territory	22 - 24	6
	D. Public service	25	6
	E. Regional cooperation	26 - 27	7
III.	ECONOMIC CONDITIONS	28 - 54	7
	A. General	28 - 31	7
	B. Public finance	32 - 34	8

93-18330 (E) 220493 250493

/...

CONTENTS (continued)

		Paragraphs	Page
	C. Land tenure and agriculture	35 - 37	8
	D. Industry	38 - 43	8
	E. Transport and communications	44 - 51	9
	F. Tourism	52	10
	G. Financial institutions	53	10
	H. Assistance from the United Nations system	54	10
IV.	SOCIAL CONDITIONS	55 - 71	11
	A. Labour	55 - 59	11
	B. Immigration	60 - 62	11
	C. Health and public safety	63 - 67	12
	D. Housing	68 - 71	12
V.	EDUCATIONAL CONDITIONS	72 - 73	13

AMERICAN SAMOA 1/

I. GENERAL

A. Introduction

1. American Samoa is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of six islands (Tutuila, Aunuu, Ofu, Olosega, Tau and Rose) belonging to the Samoan group. Swains Island, 340 kilometres north of Tutuila, is administered as an integral part of American Samoa. The total land area of the Territory is 197 square kilometres, about 70 per cent of which is covered by dense forest. Lying near the equator, between latitudes 13 and 16 south, American Samoa has a typical tropical climate with a wet and a dry season. Pago Pago, the capital, is located on Tutuila, the largest of the islands, where 90 per cent of the population lives.

2. The Samoan Islands are believed to have been inhabited by Polynesian peoples for some 3,000 years. By 600 B.C., a settlement had been established on Tutuila that may have been the jumping-off point for colonizing Tahiti and the Marquesas, about A.D. 300. Europeans first visited the Samoan archipelago in the 1700s, but foreign Governments did not make contact with local chiefs until the early nineteenth century. By the mid-nineteenth century, Germany, Great Britain and the United States of America came to dominate the economic life of the islands appointing consuls to Apia, Western Samoa, between 1847 and 1861.

3. In 1899, these three Powers signed a Tripartite Treaty dividing the Samoan archipelago into spheres of influence. Germany claimed all the islands west of the 171st meridian (now the independent State of Western Samoa) and the United States claimed the islands east of that meridian. Great Britain agreed to relinquish its claims in the Samoas in exchange for sole authority over the Solomon Islands, Niue and Tonga.

4. In April 1900, the Samoan high chiefs formally ceded the islands of Tutuila and Aunuu to the United States, and in July 1904 the cession was expanded to include Ofu, Olosega, Tau and Rose. Swains Island was annexed in 1925. The islands officially became a United States Territory in February 1929 (see para. 9).

B. Population

5. According to the official 1990 census, the population was 46,773 persons, an increase of about 45 per cent as compared to 1980. The current population density is estimated at approximately 234 persons per square kilometre, an average figure for the South Pacific. Over 90 per cent of the residents of the Territory are ethnically Samoan, including about 10,000 Western Samoan nationals. The balance of the population is made up of Caucasians (2.5 per cent), neighbouring islanders from Tonga, Tokelau and Niue (3.5 per cent) and various other groups.

6. Due to limited employment opportunities, a large number of American Samoans have emigrated to the United States. It is estimated that some 65,000 live in California and in Washington State and 20,000 in Hawaii. 2/

7. The American Samoan way of life is structured around a social system of clans or extended families (aiga) and their chiefs (matais). A village may comprise several related families. The matai is chosen by the family members and is responsible for the well-being of the aiga, the maintenance of family lands and the communal economy, which still prevails in village life. Most American Samoans are bilingual, speaking both English and Samoan.

8. Anyone born in American Samoa is a United States national and entitled to a modified United States passport. The only substantial legal difference between a citizen and a national is that the latter, as a non-citizen, cannot vote in United States elections. However, nationals can normally acquire United States citizenship without difficulty. By law, they are also entitled to take up residence and employment in the United States.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

9. American Samoa became an unincorporated Territory of the United States pursuant to a joint congressional resolution of 20 February 1929. By an executive order issued in 1951, the President of the United States placed the administration of the Territory under the Secretary of the Interior. The Territory's first Constitution came into effect in October 1960 following a referendum, and was revised in 1967 and subsequently amended in 1970 and 1977. Since its form of government is set out in a constitution rather than in an organic act of Congress, American Samoa is considered under the United States system to be an unorganic Territory. Pursuant to an act of the United States Congress, the people of American Samoa and not the Secretary of the Interior are the final ratifying authority over their Constitution. The Constitution of American Samoa contains a Bill of Rights enforceable before the Courts.

10. It was reported previously (A/AC.109/1108, para. 10) that, in November 1986, voters in American Samoa by a two-to-one majority had rejected changes in the Constitution recommended by a constitutional review committee composed of Samoan citizens. The rejected changes related, inter alia, to expansion of the territorial legislature, qualifications and impeachment of public officials, and judicial reconstruction.

11. Since January 1981, American Samoa elects by direct vote a non-voting delegate to the United States House of Representatives. The current delegate, Mr. Eni F. H. Faleomavaega, was re-elected in November 1992.

12. In 1984, American Samoans participated for the first time as voting delegates at the Democratic National Convention. The Republican Party of American Samoa, which was organized in 1985, participated in the Republican National Convention for the first time in 1988.

B. Government

13. The Constitution provides for separate executive and legislative branches and an independent judiciary. All American Samoan citizens over 18 years of age are eligible to vote.

Executive

14. The executive branch consists of a Governor and a Lieutenant-Governor elected for four years by universal adult suffrage. The Governor is responsible for executing those United States laws and portions of the United States Constitution applicable to American Samoa, as well as the American Samoan code and executive rules. He has general supervision of all operations within the Territory. The current Governor, Mr. A. P. Lutali, was elected in November 1992 concurrently with the Lieutenant-Governor, Mr. Tauese Sunia. 3/

Legislature

15. There is a bicameral legislature, known as the Fono, comprising a Senate and a House of Representatives with identical powers. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements. The Fono convenes for two 45-day sessions a year.

16. The Senate comprises 18 members who are elected every four years from among the matais by the fonos in the 14 "councils" or groups of villages, in accordance with local custom.

17. The House of Representatives is composed of 20 members elected for two-year terms by universal adult suffrage. There is also one non-voting member from Swains Island, who is elected at an open meeting by the permanent adult population of the island.

18. A majority of both houses voting together is required for passage of a bill. The legislature may appropriate funds raised from local revenues and make recommendations regarding the annual budget prepared by the Governor, including requests for federal funds.

Judiciary

19. The judiciary consists of a high court with jurisdiction throughout the Territory, a district court and several village courts. There are three divisions of the High Court: (a) appellate, (b) trial and (c) land and title. Since American Samoa is not within a federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court.

20. The Chief Justice and the Associate Justice of the High Court are appointed by the United States Secretary of the Interior. The Lands and Title Division of the High Court adjudicates claims to traditional matai titles and property-boundary disputes. The United States civil and criminal codes, augmented by such local laws and regulations as enacted by the territorial legislature, constitute the law adjudicated in the courts. The current Chief Justice, Mr. Michael Kruse, who was appointed in November 1988, is the first

American Samoan to hold that position. Associate judges of the High Court and the District Court judge are appointed by the Governor on the recommendation of the Chief Justice; their appointments are subject to confirmation by the territorial Senate.

21. The Office of the Public Defender provides legal representation to those unable to afford counsel.

C. Future status of the Territory

22. The 1981 United Nations Visiting Mission to American Samoa reported that elected and traditional leaders had expressed satisfaction with the existing political status of the Territory (see A/AC.109/679, paras. 348-351). The Mission said it seemed that the leaders' satisfaction with the status quo derived from the fact that the Territory was heavily dependent on economic and financial support from the United States as well as from their own attachment to the traditional social structure. During public discussions, the Mission found that, in general, people outside the political leadership had very little knowledge of the implications of the political alternatives available to them.

23. In September 1991, the Fono established a Political Status and Constitutional Review Commission to make recommendations concerning the future political status of the Territory.

Action taken by the General Assembly

24. On 25 November 1992, the General Assembly adopted a consolidated resolution (47/27) on 10 Non-Self-Governing Territories, a section of which was specifically devoted to American Samoa (resolution 47/27 B, sect. I). In that resolution, the Assembly, inter alia, welcomed the establishment of a new Political Status and Constitutional Review Commission; called upon the administering Power, in cooperation with the territorial Government, to continue to promote the economic and social development of the Territory, in order to reduce its heavy economic and financial dependence on the United States; urged the administering Power to continue to support measures by the territorial Government aimed at promoting the diversification of the economy and the development of the existing industries, particularly commercial fishing and tourism; called upon the administering Power to continue to provide the Territory with assistance to reconstruct the public facilities and homes destroyed or heavily damaged by hurricane Val in December 1991; and noted that a period of 11 years had elapsed since a United Nations mission last visited the Territory.

D. Public service

25. According to the American Samoa Statistical Digest, 1991, the Government of American Samoa continued to be one of the largest employers in the Territory, accounting for 4,220 persons or some 30 per cent of the employed labour force. Most of the employees in the public service were American Samoans.

E. Regional cooperation

26. American Samoa is a member of 14 regional organizations, including the South Pacific Commission (SPC), the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memoranda of understanding with the Governments of Western Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

27. In August 1991, American Samoa, together with two other Territories administered by the United States, Guam and the United States Virgin Islands, established the Alliance of Dependent Territories, an organization which seeks to promote friendly relations and economic and technical cooperation among its members. The Alliance will also endeavour to obtain observer status in the United Nations General Assembly.

III. ECONOMIC CONDITIONS

A. General

28. American Samoa suffers from the same economic constraints, such as geographical isolation and scarce resources, common to most island societies in the South Pacific. Its economy depends on the tuna fish canning industry. Prospects for agricultural development are limited due to the small percentage of land suitable for cultivation. With respect to other industries, only tourism offers good potential for growth.

29. The economy of the Territory was severely affected by devastating cyclones in February 1990 and December 1991. Currently, American Samoa is receiving assistance from the Department of the Interior and other federal agencies, including the Federal Emergency Management Agency (FEMA), for the repair of the damage caused by these two natural disasters.

30. In 1990, the latest year for which official government figures are available, exports amounted to $306 million and imports totalled $360 million, resulting in a negative trade balance of approximately $54 million. By far the largest trading partner of American Samoa is the United States, followed by Australia, Japan, New Zealand and Fiji. Imports are mainly food products, fuel and oil, machine parts, building materials, textiles and clothing; about 97 per cent of the exports are canned tuna. 4/

31. The United States Tariff Code offers preferential treatment to American Samoa in order to stimulate industrial development in the Territory. American Samoa is also eligible for favourable duty treatment under the generalized system of preferences of Australia, Japan, New Zealand and the United States.

B. Public finance

32. Total government revenue for 1990/91 amounted to $128 million. Of that total, $79,953,000 came from various federal grants, $46,441,000 were revenues generated locally and $1,700,000 came from other sources.

33. The Territory has had a budget deficit for several years. As previously reported, in February 1992, in a statement before the Subcommittee on Insular and International Affairs of the United States Congress, then Governor Peter Tali Coleman noted that the Department of the Interior contribution to the basic operational budget of the Territory had declined by over 15 per cent from 1987 to 1992.

34. Shortly after assuming his new office in January 1993, Governor Lutali announced that he had requested the Department of the Interior to conduct an audit of the Territory's public finances. 5/

C. Land tenure and agriculture

35. Most land is owned in common by Samoan families and is the traditional basis for family organization. Under the Samoan Land Tenure Act, all land except freehold land (approximately 15 per cent of the total) is inalienable to any person who is less than one half American Samoan. Without written approval from the Governor, it is unlawful for any matai to alienate any family lands or to lease such lands for more than 55 years.

36. Apart from freehold land, the main categories are government land (23.5 per cent); church-owned land (14.3 per cent); communal land subject to the native land tenure system (23.6 per cent); and individually owned land, acquired either by court grant after 1900 or through the transfer of communal land with the approval of the Governor (23.6 per cent).

37. As noted in paragraph 28, agricultural production is very limited because of the nature of the terrain. Approximately two thirds of the land in the Territory is steeply sloping and is very difficult to reach due to the absence of roads. The number of farms declined by 15 per cent between 1980 and 1990. Currently, efforts are aimed at increasing the production of vegetables and other food crops for local consumption. Most of the commercial farming consists of mixed operations producing poultry, livestock and crops such as coconuts, bananas, taro, pineapples, yams and breadfruit.

D. Industry

Tuna processing

38. American Samoa's tuna-processing industry, which is the fourth largest in the world, accounts for approximately 20 per cent of total United States tuna production. An Indonesian-owned company, the Van Camp Sea Food Company, and a United States-owned company, Star Kist Samoa, Inc. (H. J. Heinz), operate two large-scale tuna canneries at Pago Pago supplied by both Asian and United States vessels, as well as by a local fleet of small long-line craft.

39. Most of the tuna production is exported to the United States. In 1990, out of a total $306 million in exports from American Samoa, canned tuna amounted to over $296.5 million, of which approximately 15.3 million cases of canned tuna were exported to the United States. In 1990, the two canneries provided employment for 4,325 persons and the bulk of local tax revenues. 6/

40. In 1990, the canneries were fined a total of $250,000 for violating the American Samoa Environment Act by polluting the waters of Pago Pago harbour. Both canneries have since agreed to treat waste from their operations and then transport it by barge to a designated dumping site eight kilometres out to sea.

Local fishing

41. In 1990, the latest year for which information is available, there were 47 local fishing boats employing 94 fishermen. The total catch for the year was 71,656 kilograms, a substantial decrease over the 1989 record catch of 136,909 kilograms. The preferred methods of fishing were trolling, spear fishing and a combination of trolling and bottom fishing. 7/

Other

42. Other industrial activities in American Samoa are mostly service oriented. There are a number of small factories processing soap, perfume and alcohol. In 1989, there were 1,591 registered businesses in the Territory, of which retail trade accounted for 36 per cent and transport and public utilities 16 per cent. The remaining industrial activities involved construction, wholesale trade and finance and insurance operations.

43. Efforts to attract new industry to the Territory include tax cuts, import-duty concessions and special lease rates at a large government industrial park located near the airport.

E. Transport and communications

Land

44. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads. In 1990, there were 4,911 registered vehicles in American Samoa, about 89 per cent of which were privately owned. There is a non-scheduled bus service.

Sea

45. Several shipping companies provide regular service to Pago Pago from Asia, other South Pacific ports and the United States. There is a daily inter-island cargo service and a regular ferry service between American Samoa and Western Samoa. Swains Island is accessible only by boat. Rose Atoll can be visited only by permit since it is a National Wildlife Refuge.

46. Pago Pago has one of the best all-weather deep harbours in the Pacific. For a number of years the territorial Government has been trying to develop this harbour as a regional centre for the transshipment and distribution of goods.

Western Samoa, Tonga and the Cook Islands currently ship much of their merchandise through Pago Pago harbour. In order to expedite the movement of containers through the harbour, the Government has asked for funds from the United States to resurface the container yard and the surrounding support areas.

47. In 1990, a total of 1,006 vessels entered American Samoa, including fishing boats, freighters, yachts and cruise ships.

Air

48. Pago Pago International Airport is regularly served by a number of airlines which link American Samoa with Hawaii and the United States mainland, as well as with Australia, New Zealand and other countries in the South Pacific. This airport has two paved runways, 2,743 metres and 1,829 metres long, respectively. There are also smaller airstrips on the islands of Ofu and Tau.

Radio, television and telephone links

49. The Territory has one television and two radio stations, including a public network. It regularly receives from the United States live broadcasts of the Armed Forces Radio and Television Service as well as Cable News Network. Both radio stations broadcast in English and Samoan, one around the clock and the other for 18 hours a day.

50. American Samoa, through the overseas Communications Satellite corporate link, has direct dialling to most countries. In 1990, the Territory had 8,399 telephones as well as 34 telex and 185 facsimile subscribers. 8/

Newspapers

51. There are several weekly newspapers in the Territory in both the English and the Samoan languages. There is also a daily newspaper, the Samoa News.

F. Tourism

52. Despite the Government's efforts to encourage tourism, this industry remains relatively small. In 1990, approximately 8,500 tourists visited the Territory, mostly from the United States, Australia and New Zealand. There are five hotels and motels in American Samoa. The Government is the majority shareholder in the main hotel, which has 163 rooms.

G. Financial institutions

53. The Amerika Samoa Bank and a branch of the Bank of Hawaii Federal Credit Union offer complete commercial banking services. The Development Bank of American Samoa, a non-commercial enterprise owned by the Government, issues guarantees and loans for development projects.

H. Assistance from the United Nations system

54. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO) Regional Office for the Western Pacific and the WHO Western Pacific Regional Centre for the promotion of Environmental Planning and Applied Studies. The Territory has been an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP) since 1988.

IV. SOCIAL CONDITIONS

A. Labour

55. The labour force in the Territory, which has been steadily increasing since 1980, currently stands at about 14,400 workers. The two largest employers are the Government and the two tuna canneries which together provide approximately 75 per cent of the jobs. In 1990, the unemployment rate was 12.6 per cent. 9/

56. In January 1993, Governor Lutali announced that in an effort to reduce government spending and the Territory's budget deficit, his administration was planning to lay off over 1,000 public employees, including some 400 permanent career civil servants. 10/

57. Approximately one third of the labour force is from Western Samoa; there are also Tongans, Koreans, Japanese, Chinese and United States citizens working in the Territory. The high proportion of foreign labour comes about because the shortage of well-paying jobs in American Samoa leads many young people to emigrate to Hawaii and the United States mainland. Their place in the Territory is often filled by non-nationals, mostly from Western Samoa (see also para. 60).

58. American Samoa is the only United States Territory in which employers are allowed to pay workers less than the mainland minimum wage. According to the administering Power, in January 1991, the labour committee decided to set minimum government wages at $2.13 per hour. For the workers at the tuna canneries, the rate was set at $2.87 and would rise to $2.92 after one year. Minimum wages for other industries were to increase by 4 per cent in 1991 and by another 4 per cent the following year.

59. In February 1993, after a long and sometimes acrimonious debate, a majority of 52 per cent of the workers at the Star Kist tuna cannery voted against joining the International Brotherhood of Teamsters. Workers in the two canneries thus remain non-unionized. 11/

B. Immigration

60. American Samoa has its own immigration laws. In 1985, the territorial Government set quotas to regulate the number of foreigners entering the Territory annually to work. The quotas allow the admission of 1,000 persons from Western Samoa and 400 from other countries. Only American Samoans, United States citizens and nationals and licensed companies can sponsor foreign workers.

61. Also in 1985, an agreement was reached between Western Samoa and American Samoa to allow relatives to visit either Territory without visas. After abolition of the visa requirement, however, an estimated 3,000 Western Samoans overstayed their visits. Thus, in January 1986, restrictions were restored and Western Samoans must now obtain a visa specifying their length of stay in American Samoa.

62. In 1992, over 1,500 persons were deported from American Samoa. Approximately 75 per cent of the deportees were Western Samoan citizens who had overstayed their visits. 12/

C. Health and public safety

63. The main hospital in the Territory, the Lyndon Baines Johnson (LBJ) Tropical Medical Center, has 140 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services are available 24 hours a day at minimal cost to residents and visitors. For serious cases, off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland is provided free of charge.

64. The LBJ Medical Center suffered some $1 million of damage from cyclone Ofa in February 1990 and cyclone Val in December 1991. The Government plans to build a new hospital eventually.

65. In 1990, the leading causes of death were malignant neoplasms and heart diseases. Influenza accounted for most of the communicable diseases.

66. In January 1987, a Governor's Council against Drugs was established to coordinate efforts to eradicate drug use. A drug-control programme was then started with the joint cooperation of the departments of public safety, customs and human resources and the LBJ Medical Center.

67. In 1990, a total of 2,409 offences were reported to the police, an increase of 21.7 per cent over 1989. The most common offences were disorderly conduct, assault, larceny/theft, property damage and burglary. 13/

D. Housing

68. American Samoa has access to federal housing programmes and grants administered by the United States Department of Housing and Urban Development. In 1990, the Development Bank of American Samoa disbursed $3.8 million for home improvements and new homes. In his State of the Territory address in February 1991, former Governor Coleman noted that the Bank was negotiating a $50 million loan which would fund 900 to 1,000 new homes.

69. The territorial Government has the authority to issue tax-exempt industrial development bonds up to a value of $5 million.

70. In 1990, an all-time high of 1,399 land use and building permits were issued. There were 588 permits for new structures, 692 for either extensions, repairs or alterations, three for government projects, and 116 were for all

other types of permits. The estimated value of construction for 1990 was over $14 million. 14/

71. In 1990, the Pala Lagoon (waste water) system and the Pago Pago harbour sewer system were rehabilitated at a cost of $8.7 million. In addition, $3.5 million were allocated to the American Samoa Power Authority to begin a five-year plan of improvements to the electrical power and water systems. At present, it is estimated that only two thirds of the population of the Territory is served by the Government's central water system. The remainder is dependent on village-based systems which often lack basic sanitary conditions.

V. EDUCATIONAL CONDITIONS

72. The education system in American Samoa is broadly based on the United States pattern of eight years' attendance at elementary school and four years' enrolment at a high school. In 1991, there were a total of 132 private and public educational institutions, with a total enrolment of 14,636 students. About 67 per cent of these students were American Samoan, 20 per cent Western Samoans, 9 per cent United States citizens and the remainder Tongan and other nationalities.

73. American Samoa Community College, established in 1970, offers two-year degree courses in arts and sciences and certificates of proficiency programmes in vocational skills, business, clerical and nursing curricula. In 1985, this College began a one-year certificate programme in agriculture, with specialities in crop production and cattle-raising. Programmes in Pacific studies and computer science were also added to the curriculum through a grant from the United States Federal Government. At the end of 1991, the College had 1,108 students.

Notes

1/ The information contained in this working paper has been derived from published reports.

2/ United States Department of the Interior, Fact Sheet, August 1991.

3/ Pacific Magazine (Honolulu), January/February 1993, p. 9.

4/ American Samoa Statistical Digest, 1991, p. 190.

5/ Samoa News, 8 January 1993.

6/ American Samoa Statistical Digest, 1991, pp. 134 and 190.

7/ Ibid., pp. 171 and 187.

8/ Ibid., p. 161.

9/ Ibid., p. 133.

10/ Samoa News, 20 January 1993.

11/ Ibid., 8 February 1993.

12/ Ibid., 11 January 1993.

13/ American Samoa Statistical Digest, 1991, p. 74.

14/ Ibid., p. 91.